



**MINUTES OF THE MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 22, 2003, 8:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Jimenez.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PUBLIC COMMENTS

William and Carole Drysdale described various problems that are occurring in the park near their neighborhood. He expressed his concerns against gang graffiti on Sylvan Glen Court. There is also an ongoing problem with fights and other illegal activities. He suggested access to the park be from the Plunge area only in order to lock the maintenance gate which seems to be how the young people access their neighborhood and the park. He also noted four stolen automobiles, which may be due to this cause. He suggested a closed campus for Hayward High School.

Susan Guinee, Sylvan Glen Court, a high school teacher, commented that it is the high school students who damage properties. She noted that the school is responsible for the students and is not taking responsibility for their actions.

City Manager Armas commented that he would be meeting with the Hayward Unified School District (HUSD) Superintendent on the following day and would provide the Guinee letter, which was previously submitted.

Larry Guinee, Sylvan Glen Court, wrote to HUSD and the Council and did not receive a response. He suggested signs to prevent theft and property damage, enabling police to respond to residents in problem areas, a closed campus to address truancy issues, and closing the access gate as an option, with perhaps, cameras in the court for surveillance.

Karen von Glahn, Sylvan Glen Court, expressed concern with students leaving school and loitering in the park. She also commented on the potential fire hazard.

Philip Cushnyr, Sylvan Glen Court, urged locking the gate in the evening, communicating with the various agencies, reducing traffic, and keeping the neighborhood safe. He said the neighborhood wants a plan of action.

DRAFT

Susan McDonough, SEIU Local 790, discussed the Budget Accountability Act and asked the City Council to consider endorsing this measure.

Jason Oringer, representing UNITE and other Trades unions, said thank you for supporting the workers with the Cintas Company. He noted that six other companies bid for the laundry contract with the City of Hayward. He commented that the Cintas response to the lawsuit regarding the living wage was a challenge to the “Living Wage Ordinance.”

Carole M. Watson with the Bay Area United Way, recognized the City of Hayward in developing the all-County collaborative, to get the word out about the earned income tax credit. She also described various volunteer activities and presented Mayor Cooper with an award for leadership in this campaign. She particularly thanked David Korth, Social Services Planning Manager, for his help in developing this program.

City Manager Armas mentioned that this was part of City Council’s Living Wage Ordinance and program to help those who are not able to help themselves.

Milan Sramek, general contractor, discussed issues with CED and the construction near his property.

Barbara Swarr spoke on the recent alliance meeting with Mr. Louis Andrade of Hayward Area Recreation District (HARD). She suggested improvements at Memorial Park and developing a downtown park for new residents in the area. She also encouraged people to attend a Route-238 meeting on Wednesday at City Hall. She suggested using Measure B funding to provide shuttle service in the downtown as well as to fund other public transportation improvements.

Jason Moreno commented on the recent neighborhood alliance meeting. He commented on the amount of money being lost by HARD through redevelopment areas.

Samina Faheem, Executive Director of American Muslim Voice, spoke regarding students from Pakistan who are targeted by the Immigration and Naturalization Services, INS and the special registration required for particular ethnic groups.

Edith Looney, President of SEIU 790 - Hayward Clerical, thanked members for their support during the Cintas campaign. She particularly thanked Council Members Dowling and Rodriquez as well as Mayor Cooper and City Manager Armas for speaking to the media in support of the living wage ordinance.

Samina Faheem spoke on Patriot Act II and civil liberties in America. She related a recent incident involving her son and the highway patrol and her fear for him and other young men who fit a certain profile.

Don Spark, Peace and Justice Coalition, spoke against the PATRIOT Act.



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Paul Walsh spoke against PATRIOT Act II and its implications.

Council Member Henson asked staff about the Local Agencies Committee which includes HARD, HUDS and City of Hayward, and whether they might be able to discuss the problems on Sylvan Glen Drive, since many of the concerns seemed to be inter-agency concerns.

CONSENT

Items 4 and 5 were removed for further consideration.

1. Approval of Minutes of the City Council Meeting of July 15, 2003

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to approve the minutes of the City Council Meeting of July 15, 2003.

2. Final Map Tract 7047 - Tennyson Homes, L.P. (Subdivider) - Approval of Final Map, Authorize the City Manager to Execute a Subdivision Agreement

Staff report submitted by Development Review Engineer Gaber, dated July 22, 2003, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 03-118, "Resolution Approving Final Map for Tract 7047 and Authorizing the City Manager to Execute a Subdivision Agreement"

3. Final Map Tract 7215 - Warraich Corporation, Inc. (Subdivider) - Approval of Final Map, Authorize the City Manager to Execute a Subdivision Agreement

Staff report submitted by Development Review Engineer Gaber, dated July 22, 2003, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 03-119, "Resolution Approving Final Map for Tract 7215 and Authorizing the City Manager to Execute a Subdivision Agreement"

DRAFT

4. MPACT Program Grant for Youth and Family Services

Staff report submitted by Youth and Family Services Bureau Director Frederick, dated July 22, 2003, was filed.

Council Member Henson asked Police Chief Calhoun whether this was a one-year grant. He said it was, and an annual reapplication is necessary.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 03-120, "Resolution Authorizing the City Manager to Execute an Agreement with Alameda County's 'Our Kids Project' for Continuing the Mpact Program"

Resolution 03-121, "Resolution Authorizing the Appropriation of \$92,387 From the Our Kids Oversight Committee to Fund the Mpact Program"

5. Authorization for the City Manager to Execute a Memorandum of Understanding with Alameda County Regarding Traffic Improvements

Staff report submitted by City Manager Armas, dated July 22, 2003, was filed.

Council Member Dowling asked the City Manager to keep the residents of the Fairview area informed of the plans for the transportation designs in the area.

City Manager Armas explained that the traffic improvements along Fairview were developed approximately 10 years ago. He added that each jurisdiction has the financial responsibility for the conditions in their own areas. The County has been involved for many years and has developed its own program of solutions. He noted that the Blue Rock improvements were as a result of various mitigation measures.

Council Member Dowling suggested the City and County hold a joint public meeting to inform residents in the Fairview area of the impending plans.

Council Member Ward then asked about the funding for the projects and discussed interim improvements on Fairview Avenue.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:



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Resolution 03-122, "Resolution Authorizing the City Manager to Execute a Memorandum of Understanding (MOU) with Alameda County in Connection with Traffic Improvements at Various Locations in the City and County"

LEGISLATIVE BUSINESS

6. USA PATRIOT Act and Libraries

Staff report submitted by Library Director Baker-Madsen, dated July 22, 2003, was filed.

Library Director Baker-Madsen made the staff presentation. She noted that provisions of the act would allow government law enforcement agencies to have access to business records, including library records about individual borrowers. She added that the Hayward Public Library has always complied with the California Public Records Act from which she cited several items. This law may compromise that Act, which ensures privacy for patrons. She noted that the Library Commission has studied and discussed the USA Patriot Act and expressed concern about the consequences relative to the affect on users and the profiling that might ensue. She said the Library Commission supported the proposed legislation H.R. 1157, Freedom to Read Protection Act, which would exempt libraries and bookstores from the Act and would protect patrons' civil liberties.

Council Member Ward asked about the vote by the Commission in support of this legislation. He wondered whether the Library had taken any proactive measures with regard to informing the patrons of the PATRIOT Act.

Library Director Baker-Madsen said the action was in the terms of a vote on a resolution, which was 3:2, not a majority in this instance. There was also a lack of a quorum. She noted that there is a brochure available to patrons regarding the Act as well as information on frequently asked questions on the Act.

Council Member Henson asked about "cyber records" and whether the resolution covers that aspect as well.

Library Director Baker-Madsen said their policy regarding records retention deals with that. The policy is to erase any data at the end of the day from public search computers. She noted that this all took effect before 9-11, and was adopted prior to the USA Patriot Act.

Council Member Hilson asked why the legislation addresses booksellers first.

DRAFT

Library Director Baker-Madsen responded that there is an overriding concern with privacy in choices of reading material both through the library as well as a bookstore.

Mayor Cooper opened the public hearing at 9:18 p.m.

Don Spark discussed comments made by the Attorney General, John Ashcroft, who spoke about the USA PATRIOT Act and derided any criticism of it calling it treason.

Harry A. Scott, President of the Hayward Demos Democratic Club, spoke in support of the Freedom to Read Protection Act, which was introduced by Congressman Sanders. He urged passage of the resolution in support of the Sanders' bill and asked further for the City Council to support repeal of the USA PATRIOT Act. He discussed the right to privacy as well as the intrusion of the government on constitutional rights.

Camille Sauv  read a statement against the USA PATRIOT Act and urged support of H.R. 1157.

Esther Ho spoke against racial and ethnic profiling. She urged Council to approve the Library Commission's resolution and to make a broader statement against the proposed USA PATRIOT Act.

Jim Gonzales, Southern Alameda County Peace and Justice Coalition, discussed the illegal detention of Arab-Muslims youth since 9-11. He asked for development of a committee to discuss the broader aspects of the USA PATRIOT Act. He added their support for this resolution.

Elsa Glines spoke on behalf of the Library Commission. She described the process taken by the Commission. The Commission took a number of months to study the USA PATRIOT Act, focusing on the Library section. For reasons unrelated to this topic, she reported that vacancies had occurred on the Commission during the process.

Allen Moskowitz spoke against the USA PATRIOT Act. He urged support of the resolution.

Linda Bennett, as a recent new member of the Library Commission, said she wanted to speak in support of the resolution.

Bill Quirk commented that as the Chair of the Library Commission, he appreciated the City Council taking up the resolution.

Barbara Swarr thanked the Library Commission for recommending this legislative action.

Helen Wu, also a new member of the Library Commission, spoke regarding acting out of fear.

Mayor Cooper closed the public hearing at 9:49 p.m.



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Mayor Cooper commended and thanked all who spoke passionately on this issue. She commented that all great leaders identify themselves. Very little has been accomplished without great leadership.

Council Member Hilson moved to adopt the resolution, which was seconded by Council Member Doris Rodriquez.

Council Member Henson said he would support the motion.

Council Member Rodriquez described her own personal history and commented that people have a tendency to panic and very often lose their freedoms. She commented on the vigilance it takes to maintain our freedoms. As the Council's liaison to the Library Commission, she was pleased that the Commission brought this before the Council.

Council Member Ward appreciated the very honest comments of Mayor Cooper. He also commended Mr. Spark from the Peace and Freedom Coalition.

Council Member Henson commented that if enough cities, states and residents protest this Act, perhaps the Congress will make a note and return civil liberties back to the people. It will take a lot of effort and voices to insure our civil liberties.

Mayor Cooper asked whether the motion included her writing a letter of support of H.R. 1157.

Council Member Hilson agreed that it did.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution 03-123, "Resolution in Support of Patron Privacy and Freedom of Information in Libraries Authorizing the Mayor to submit a Letter in Support of the Freedom to Read Information Act of 2003 (HR 1157)"

7. Adoption of Ordinances Related to Mission-Garin Annexation

Staff report submitted by City Clerk Reyes, dated July 22, 2003, was filed.

Mayor Cooper opened and closed the public hearing at 10:01 p.m.

DRAFT

It was moved by Council Member Hilson, seconded by Mayor Cooper, and carried to adopt the following ordinances by the following roll call vote:

Ordinance 03-11, “An Ordinance Amending the Zoning Ordinance, Chapter 10, Article 1 of the Hayward Municipal Code, to Establish a New Special Design Overlay Zoning District for the Mission-Garin Area”

Ordinance 03-12, “An Ordinance Amending the Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning and Prezoning Certain Territory Located in the Mission-Garin Area”

AYES: Council Members Hilson, Rodriquez, Dowling
MAYOR Cooper

NOES: Council Members Jimenez, Ward, Henson

ABSENT: None

ABSTAINED: None

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:02 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward